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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOSE ALFONSO SANCHEZ ALFARO,

Petitioner,

v.

Ralph Mattivelo, Superintendent, Plymouth
County Correctional Facility);
PATRICIA HYDE, Acting Field Office
Director, Boston ICE Field Office;
MICHAEL KROL, HSI New England
Special Agent in Charge;
TODD LYONS, Acting Director of U.S.
Immigration and Customs Enforcement; and
KRISTI NOEM, U.S. Secretary of
Homeland Security,

Respondents.

Case No. 1:25-cv-11124-ADB

**FIRST AMENDED PETITION
FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. This is a Habeas Corpus action in which Petitioner Jose Alfonso Sanchez Alfaro (hereinafter referred to as “Mr. Sanchez Alfaro” or “Petitioner”), a national of El Salvador currently in US Immigration and Customs Enforcement (ICE) custody in Plymouth, Massachusetts, is asking this Court to review the legality of his federal custody and detention.
2. The Respondent is a national of El Salvador with a Motion to Reopen pending at the Board of Immigration Appeals and who was previously on an Order of Supervision, which was given on December 20, 2013. No allegation has been made that the Respondent has failed to meet any of his obligations under the Order of Supervision.
3. On information and belief, he was unlawfully detained by federal immigration agents on April 25, 2025, at the Burlington, MA Department of Homeland Security Office.
2. Accordingly, to vindicate Petitioner’s constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
3. Petitioner asks this Court to find that he was unlawfully detained and order his release.

JURISDICTION

4. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Title 5, United States Code, Section 551 et seq., Administrative Procedures Act.
5. Venue is proper because Petitioner resides and was detained in Burlington, MA, and on information and belief is currently detained in the District of Massachusetts.

PARTIES AND FACTS ALLEGED

6. The Petitioner Mr. Sanchez Alfaro is a national of El Salvador. He resides in Boston,

Massachusetts with his wife and three United States citizen children.

7. Respondent Ralph Mattivelo is the Superintendent for Plymouth County Correctional Facility in Plymouth, MA. He is the immediate custodian of the Plaintiff.
8. Respondent Patricia Hyde is the New England Field Office Director for U.S. Immigration and Customs Enforcement.
9. Respondent Michael Krol is the New England Special Agent in Charge for Homeland Security Investigations for U.S. Immigration and Customs Enforcement.
10. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.
11. Respondent Kristi Noem is the U.S. Secretary of Homeland Security.
12. All respondents are named in their official capacities.
13. Petitioner is a national of El Salvador with a Motion to Reopen pending at the Board of Immigration Appeals. On information and belief, he was detained without cause by U.S. Immigration and Customs Enforcement agents on April 25, 2025, at approximately 11:00 AM, in Burlington, Massachusetts.
14. At time of detention, the officers effectuating the detainment did not allege that the Petitioner had failed to meet any part of the conditions of his Order of Supervision.
15. On information and belief, Petitioner is currently in custody in the District of Massachusetts, and one or more of the Respondents is his immediate custodian.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

1. On information and belief, Petitioner is currently being arrested and detained by federal

agents without cause and violating his constitutional rights to due process of law.

2. Respondent followed all the requirements of his release notification and Order of Supervision, yet he was taken into custody and detention on April 25, 2025, despite reporting to ICE in accordance with the release requirements and having been held by ICE in the past with no deportation following.

COUNT Two
Violation of Federal Regulations – 8 C.F.R. § 241.4

3. On information and belief, Petitioner is currently being arrested and detained by federal agents without cause, violating his constitutional rights to due process of law, and violating the Federal Regulations controlling revocation of Supervised Orders of Release.
4. Respondent followed all the requirements of his release notification and Order of Supervision. Yet, he was taken into custody and detained on April 25, 2025, despite reporting to ICE in accordance with the release requirements and having been held by ICE in the past with no deportation following.
5. His notice of Revocation of Release did not address the necessary revocation elements under 8 C.F.R. § 241.4, thereby making the means of revocation insufficient under the regulations, warranting his release.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred outside the District of Massachusetts;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

- (4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (6) Grant any further relief this Court deems just and proper.

Respectfully Submitted,
Jose Alfonso Sanchez Alfaro
By His Attorneys



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Date: 5/22/2025

CERTIFICATE OF SERVICE

I, Elizabeth Shaw, Attorney for Plaintiff, hereby certify that this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF). Paper copies will be sent to those indicated as non-registered participants.

Date: 5/22/2025



Elizabeth Shaw, Esq. | BBO #: 713541